IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9894 OF 2004

Lt Col.Ashok M.Sawant (retd.) .. Petitioner

Vs

(i) Col.S.A. Tonapi (Retd)

and ors.

Mr S.J.Chitale, for the petitioner.

Mr Shailendra Aglawe,for respondentnos 4 to 9.

Mr J.V.Pande, for respondent no.2.

CORAM : D.B.BHOSALE,J.

DATE : 17th December, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr Pande, learned counsel for respondent no.-2 Society, on instructions, states that the respondent-society has no objection for allowing the petitioner to contest the election of the Managing committee of respondent no.2-society to be held on 18.12.2004 subject to condition that the petitioner should deposit the entire arrears of maintenance on 18.12.04 by 12 noon. Mr.Chitale, learned counsel for the petitioner, on instructions, states that, without prejudice to his rights and contentions, the petitioner will deposit the arrears of maintenance as demanded by

the respondent-society tomorrow,i.e. 18.12.04 by 12 noon. Statements of the learned counsel for the parties are accepted. In view of the statements made by the learned counsel, the impugned order dated 25.11.2004 in so far as the petitioner is concerned, renders ineffective. The writ petition, accordingly, stands disposed of.

. An authenticated copy of this order duly signed by the Personal Secretary may be made available to the parties.

(D.B.BHOSALE, J.)